



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

August 6, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

### REVIEW OF COUNTY PROCUREMENT PRACTICES (ITEM 4, AGENDA OF OCTOBER 23, 2012)

On October 12, 2012, your Board, on motion of Supervisor Yaroslavsky, instructed the Chief Executive Officer (CEO), Director of the Internal Services Department (ISD), the Director of Public Works, and County Counsel to:

- Conduct a review of County procurement practices and to recommend changes as appropriate that will enhance the County's ability to procure products and services in the most cost effective, expeditious and fair manner possible;
- Include consideration of the use of draft requests for proposal (RFP) and other techniques to promote early exchanges of information in the procurement process in such review, particularly in high-profile and high-technology procurements; and,
- Have the Los Angeles Regional Interoperable Communications Systems (LA-RICS) Board consider incorporating the results of this review into those systems procurements for LA-RICS that have not already been authorized for release, to the extent feasible and practicable.

The remainder of this report provides our findings on each of the above topics.

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

**1. Review of County procurement practices**

First, in a November 21, 2012 memo (Attachment I), and then in quarterly follow-up/status memos to your Board, dated March 29, 2013 (Attachment II) and July 16, 2013 (Attachment III), this Office provided a status of several countywide contracting process improvement initiatives to:

- Review the current contracting process to identify where it can be feasibly streamlined;
- Identify lessons learned from past audits, solicitations and contracts;
- Promote departmental use of model solicitation documents and guidance available on the Internal Services Department website;
- Develop or obtain well written solicitation documents, contracts, and language for specific terms and conditions, which can be used as templates for future solicitations and contracts;
- Identify key types of contracts and work with departments to develop contract templates; and,
- Identify and develop a Contract Management System integrated with the eCAPS financial system, to include key functionality such as drafting solicitations and contracts, scoring proposals, archiving contracts and supporting documentation, workflow, etc.

Key accomplishments on these initiatives include:

- In December 2012, the Auditor-Controller (A-C), and ISD worked with two vendors to establish a schedule to implement a pilot project of the new Contract Management System. The departments developed a prototype of the new system in March 2013. A pilot project, to include a subset of contracts administered by Community and Senior Services, ISD, and Mental Health, is scheduled to begin in September 2013. Upon the successful completion of the pilot project, a countywide implementation plan and schedule will be developed.
- In January 2013, ISD presented proposed revisions to the protest policy and process to the Operations Cluster Board Deputies. The recommended revisions, intended to simplify the current process for both the County and vendors, while reducing the time spent on the solicitation process, were

presented and approved by the Audit Committee on February 28, 2013, and were implemented in County solicitations released after March 28, 2013.

- County Counsel continues to work with the interdepartmental subcommittees to develop templates and a library of pre-approved, standardized terms and conditions for Prop A, social services and food concession contracts. The results of this effort will be loaded into the new contract management system for the pilot project.
- The A-C continues to review the past several years of RFP and contract-related audit findings to identify lessons learned and best practices which can be applied to all departments. These lessons learned and best practices will be reflected in the design of the new computer system, as well as templates and standardized contract language.

## **2. Draft Requests for Proposal**

Dissemination of a draft RFP prior to its official release is a process that has been used in the County for social services departments and initiatives. In such cases, the draft RFP process is designed to elicit feedback from community-based organizations on federally funded programs, such as group home operations for the Department of Children and Family Services, Mental Health, and Probation Departments.

Other County departments use other techniques to elicit information from the vendor community to ensure that industry standards are accurately applied in the acquisition process. These techniques include: the use of the Request for Information process; the Pre-Bid/Proposer's Conference; and/or the use of consultants with expertise in a given field.

- Request for Information (RFI) process. The RFI process is designed to obtain preliminary information from the vendor community prior to the development of a solicitation document. Common goals for use of an RFI include:
  - Soliciting data and/or interest level from potential vendors.
  - Gathering and analyzing information from the vendor community regarding new developments and/or technologies in their field of products and/or services, etc.
  - Conducting market surveys.
  - Pre-qualifying firms.
  - Determining the estimated product/project price range (for budgeting purposes).

Based on ISD's survey of various local and Federal agencies, the RFI is the most commonly used practice for gathering information from the vendor community.

- Pre-Bid/Proposer's Conference. A Pre-Bid/Proposer's Conference is conducted at the onset of the solicitation process after the RFP has been released. The purpose for the conference is two-fold; 1) to highlight important terms and requirements of the solicitation; and 2) to provide a forum for prospective bidders to ask questions and clarify any information within the solicitation.

This process provides an opportunity for vendors to ask questions, and/or provide feedback to the department on the solicitation. Based on the Pre-Bid/Proposer's Conference, the soliciting department may take a number of actions to include: clarifying the vendor's questions with written answers in an amendment to the solicitation; amending the solicitation to include additional requirements or removal of some requirements; or canceling the solicitation, revising the requirements and re-soliciting.

- Use of a Consultant. County departments retain a consultant with the expertise in a given field to assist with developing the RFP or solicitation document. In such cases, the consultant is prohibited from participating in the bid, and must not have any affiliation with any of the prospective bidders.

Examples of the use of this process include the Managed Print Services and the Multimodal Biometrics Identification Systems contracts that have been recently approved by your Board.

#### Survey Instrument Results from Other Government Agencies

ISD conducted a survey of various Federal and local government agency contracting officers to determine: if the agency used a draft RFP process; if so, to what extent and for what solicitations; if not, what process the agency used to exchange and/or obtain information from the vendor community to prepare for the solicitation process; and the benefits and drawbacks of the draft RFP process for those that use it.

More than 30 agencies were surveyed, with 19 responding as follows:

- The cities of Los Angeles; Dallas, Texas; Kansas City, Missouri; and San Antonio, Texas.
- The counties of San Diego, Sacramento, Alameda, Ventura, Orange, Riverside and San Bernardino in California; Maricopa County, Arizona; Miami-Dade County, Florida; Fairfax County, Virginia; and the City/County of Denver, Colorado.

- The Los Angeles County Metropolitan Transportation Authority (MTA) and Los Angeles World Airports.
- The U.S. Air Force and U.S. Coast Guard.

Below is a brief summary of the survey results. A more detailed summary is included as Attachment IV.

- Twelve of the 19 responding agencies utilize an RFI for obtaining information from the vendor community in preparation for the solicitation process where expertise does not reside within the organization.
- Two California counties, Sacramento and San Diego, use a draft RFP process. One of these indicated that it was on a very infrequent basis, and only for new, large information technology projects.
- The U.S. Air Force and U.S. Coast Guard use the draft RFP process primarily for newer, large scale projects, those that are complex in nature, and when the agency does not have the expertise within the organization to prepare an adequate solicitation document. Attachment V is a February 2, 2011, memorandum from the Federal Office of Management and Budget, addressed to Chief Acquisitions and Information Officers in the Federal government that provides direction on the use of the draft RFP process.
- Only one agency, Miami-Dade County, indicated that a draft RFP process is included in most of its solicitations for services. In these cases, the window for posting the draft scope of work, and receiving comments is two weeks before the official RFP is posted.
- Agencies that utilize the draft RFP process report that the process provides benefits that include: the opportunity for the vendor community to be engaged in the development of the agency's requirements; clarity in the agency's projects; and the opportunity to identify alternative products or solutions before a solicitation is released.
- Only two of the agencies that utilize the draft RFP process, the MTA and the County of Sacramento, stated that the process extended the solicitation timeline.

### 3. **LA-RICS Systems Procurements**

The LA-RICS Joint Powers Authority is planning to release a solicitation for the L.A. SafetyNet system, a public safety broadband communications system, in

August 2013. When completed, the L.A. SafetyNet system will become a component of the National Public Safety Broadband Network (National Network) under the administration of the First Responders Network Authority (FirstNet), an independent authority within the National Telecommunications & Information Administration of the U.S. Department of Commerce.

However, to effectively connect to the National Network, the L.A. SafetyNet system must comply with the national architecture now being established by FirstNet. In developing that architecture, the National Public Safety Telecommunications Council (Council) has produced a draft Technical Statement of Requirements (TSoR). The Council is comprised of representatives of public safety and commercial industry and all were invited to participate in the development of the TSoR. That draft is now under consideration by FirstNet and, when approved, will dictate the nature and scope of the LA-RICS broadband procurement.

As the LA-RICS procurement moves forward, vendor input will continue to be provided to LA-RICS through the Federal requirements established by the agencies noted above. LA-RICS must comply with the rules and requirements established by FirstNet, and would not have independent discretion to act on information received from a draft RFP.

### Conclusion

Based on the survey data, the use of a draft RFP process for highly technical, complex or large scale information technology projects may be beneficial to the County.

ISD will brief this viable alternative to the County's Contracts Manager's Network, and prepare implementation guidelines to be inserted into the Countywide Service Contracting Manual.

If you have any questions regarding this request, please contact Frank Cheng of my staff at (213) 893-7938, or Joe Sandoval at ISD, at (323) 267-2109.

WTF:BC:FC  
JS:ib

Attachments (5)

c: Executive Officer, Board of Supervisors  
County Counsel  
Internal Services  
Public Works

# ATTACHMENT I



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

November 21, 2012

To: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## IMPROVEMENTS TO COUNTY CONTRACTING PROCESS

The Chief Executive Office has embarked on a countywide contracting process improvement project. The overall goal is to create a contracting process which incorporates best practices, while at the same time ensuring compliance with laws and County policies. This memo briefly summarizes efforts currently underway and planned for FY 2012-13 and 2013-14.

We are working concurrently on several different aspects of contracting improvement to:

- Review the current contracting process to identify where it can be feasibly streamlined;
- Identify "lessons learned" from past audits, solicitations, and contracts;
- Promote departmental use of model solicitation documents (i.e., Request for Proposal (RFP), Request for Statement of Qualifications, sample contracts, correspondence, etc.) and guidance available on the Internal Services Department (ISD) website;
- Develop or obtain well-written solicitation documents, contracts, and language for specific terms and conditions, which can be used as templates for future solicitations and contracts;
- Identify key types of contracts and work with departments to develop contract templates; and
- Identify and develop a contract system which can be integrated into the eCAPS financial system; include key functionality such as drafting solicitations, contracts, scoring proposals, archiving contracts and supporting documentation, workflow, etc.

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**



**Getting Departmental Input** – The CEO has established an interdepartmental committee to get department input on the contracting improvement project. The contracting project and creation of this committee were announced at the CEO Department Head meetings in July and November, 2012. So far 12 departments have expressed an interest in participating (Attachment 1). The first meeting was held on October 25, 2012. During the coming months, departments will be asked to participate in sub-committees focused on developing specific contract templates. For the pilot project, this includes departments who have Prop A, social services, and food concession contracts.

**Keeping the Board Informed** – At the July 19, 2012, Operations Cluster meeting, we gave Board Deputies a high level briefing about the concept for the contracting improvement project and plan to provide quarterly updates. The contracting project was also presented to Board Deputies at the October 25, 2012, Cross-Cluster meeting.

#### **What Steps Have Already Been Completed?**

- **Contract Monitoring Dashboard** - The Auditor-Controller (A-C) has implemented a contract monitoring dashboard using data from the eCAPS system. The dashboard provides a quick and easy way for departmental management to monitor contracts by expiration dates, how much money has been spent compared to total projected contract costs, and other pertinent information. The dashboard is a tool that alerts managers of potential areas of concern.
- **Contracting Resources Available to Departments** – ISD has created and maintains an updated website with templates, guidelines, and other types of contracting information which is available for all departments to use at <http://purchasingcontracts.co.la.ca.us/>. Basic contracting classes are also offered periodically to County staff tasked with contracting-related assignments.
- **Contract Process Review** – The County Strategic Plan contracting group formed a task force to map out and review the current RFP/contracting process to identify any unnecessary steps that could streamline the current process (Attachment 2). As a result, the task force identified the protest policy as a focus area that would reduce the time associated with conducting solicitations. A draft of the streamlined protest policy and process is anticipated to be presented at Operations Cluster in December 2012 for Board Deputy review.

- Automating the Contracting Process – Community and Senior Services and the Arts Commission had previously automated portions of their contracting processes. We are reviewing those systems to see what “lessons learned” can be applied to development of a countywide contracting system.
- Software Solution - The A-C has hosted demonstrations of two different “off the shelf” contracting systems which are designed to work with the eCAPS system. Each system has different strengths. A-C and ISD have been meeting with the two vendors to see how their product functionality can be combined to create one system which manages all steps of the contracting process from beginning to end. The vendors have a proposed solution and are developing a project schedule and cost estimates with A-C and the eCAPS Steering Committee. We anticipate that the new system could be piloted in approximately November 2013. The pilot will include Prop A contracts (all departments), social services contracts (Community and Senior Services) and food concession contracts (various departments).
- System Funding - On October 2, 2012, the Board of Supervisors approved \$2.0 million in the Supplemental Budget for the countywide computer system.

**Next Steps:**

- In December 2012, the County Strategic Plan contracting task force will present proposed revisions to the protest policy and process. The revisions are intended to simplify the current process for both the County and vendors while reducing the solicitation process. Those recommendations will then be provided to the Board for review and a policy decision.
- In December 2012, A-C and the eCAPS Steering Committee will work with the two contracting system vendors to obtain a cost estimate and project schedule for implementation of the new system.
- By February 2013, A-C will review the past several years of RFP and contract-related audit findings to identify “lessons learned” and best practices which can be applied to all departments. These lessons learned and best practices will be reflected in the design of the new computer system, templates, and standardized contract language.
- From December 2012 through June 2013, County Counsel will work with the three interdepartmental subcommittees to develop templates and a library of pre-approved, standardized terms and conditions for Prop A, social services, and

Each Supervisor  
November 21, 2012  
Page 4

food concession contracts. The results of this effort will be loaded into the new computer system for the pilot project.

- From December 2012 through December 2014, the interdepartmental contract committee will:
  - Identify the basic types of contracts commonly used by departments and the priority order for moving these types of contracts into the new computer system.
  - Establish subcommittees to work with County Counsel to develop templates and the library of pre-approved, standardized terms and conditions language for each type of contract (after the work is completed for the three types of contracts in the pilot).

The next quarterly status update on this project will be provided in March 2013. If you have any questions or need additional information, please contact Ellen Sandt of my staff at (213) 974-1186.

WTF:EFS:cg

#### Attachments

- c:    Executive Office, Board of Supervisors  
      County Counsel  
      Auditor-Controller  
      Community and Senior Services  
      Internal Services

## **ATTACHMENT I**

### **Interdepartmental Contracting Committee**

Chief Executive Office (Chair)

Alternate Public Defender

Arts Commission

Auditor-Controller

Chief Information Office

Children and Family Services

Community and Senior Services

County Counsel

Internal Services Department

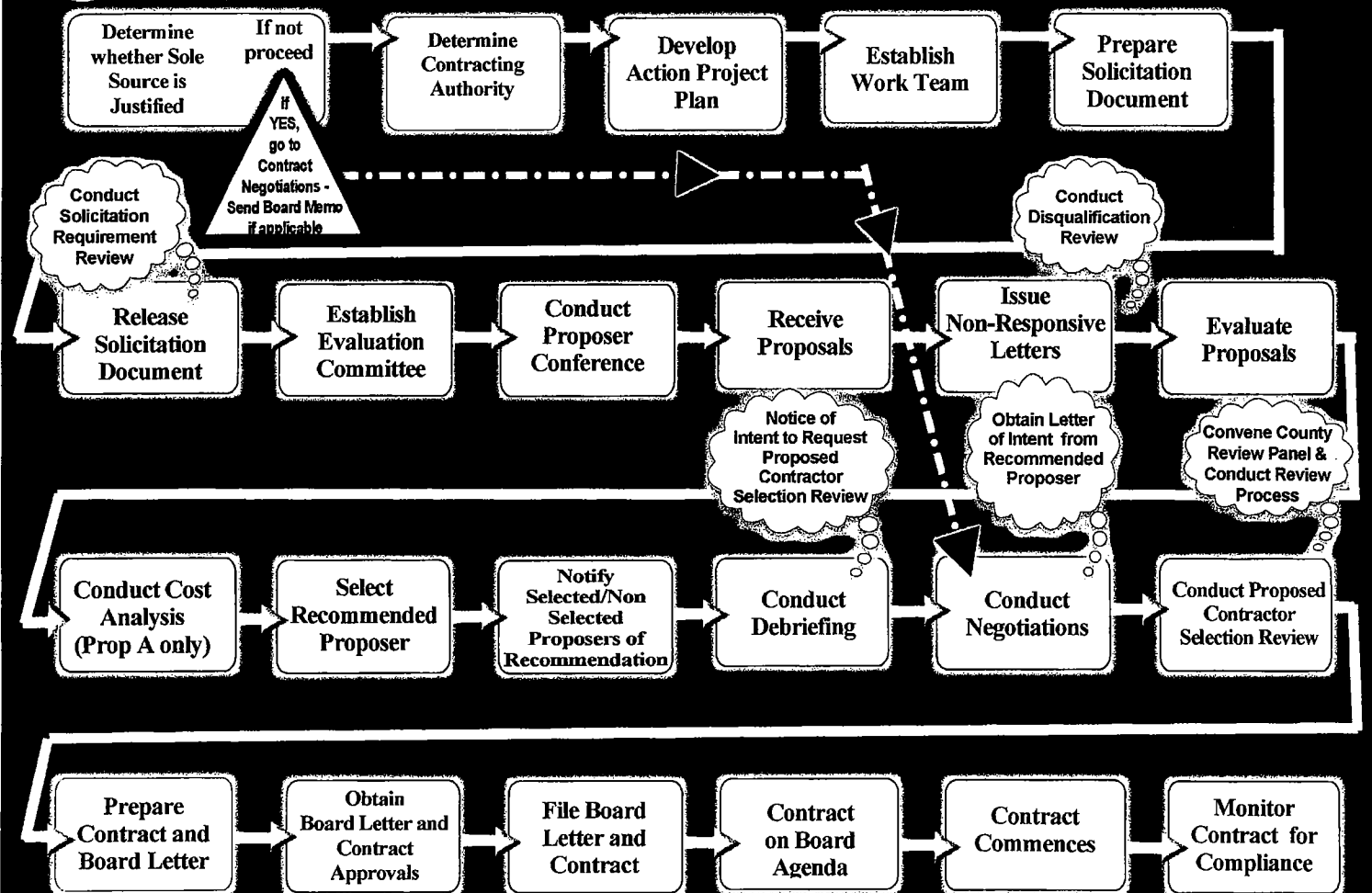
Mental Health

Public Health

Sheriff



# CONTRACTING PROCESS WORKFLOW



# ATTACHMENT II



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

March 29, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## **QUARTERLY UPDATE ON THE IMPROVEMENTS TO THE COUNTY CONTRACTING PROCESS**

The Chief Executive Office (CEO) has embarked on a countywide contracting process improvement project. The overall goal is to create a contracting process which incorporates best practices, while at the same time ensuring compliance with laws and County policies. This memo briefly summarizes efforts that occurred since the first quarterly memo was issued on November 21, 2012.

### **Development of the Contract Monitoring System**

The Auditor-Controller and Internal Services Department (ISD) worked with the two contracting system vendors, EMC and CGI, to design an application for the creation of a County Contract Management System (CMS). The new contract system will be integrated into the eCAPS financial system and include key functionality such as drafting solicitations, contracts, scoring proposals, archiving contracts and supporting documentation, workflow, etc. The first phases of the new application have been initiated, including:

- The development of the new application has been chartered with both vendors,
- EMC will develop the front Contract Library System (CLS) component to create standard clause, templates and documents for use by departments to ensure proper content and promote standardization countywide,
- The eCAPS Contract Management System component will manage the review, collaboration and finalization of documents in the solicitation process,
- The design to use eCAPS and EMC Documentum for a countywide repository of contract / solicitation documents was initiated and included in the design of the Contract Management System.

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

A Project Team was formed with staff from Auditor-Controller (technical), ISD (technical and procurement), Community Senior Services, County Counsel and CEO. The Project Team made excellent progress by:

- Completing the development of a working prototype for CLS by March 22, 2013,
- Began the process of designing the eCAPS CMS Pilot which will begin in September, 2013 for at least three types of contracts (Prop A, Dietary Services, and Human Services),
- Provided several demonstrations of the CLS to County Counsel and other departments for feedback and input in preparation of the CMS Pilot, and
- Initiating the work order to prepare the working prototype of CLS for use in the CMS Pilot.

#### **Contract Subcommittees**

The three subcommittees that were identified in the last update each began meeting during this reporting period. The subcommittees were comprised of the representative from the following departments:

**Food Service:** CEO, County Counsel, Public Health, Children and Family Services, Health Services, Probation, Community and Senior Services, Internal Services, and Parks and Recreation.

**Social Services:** CEO, County Counsel, Public Health, Children and Family Services, Health Services, Probation, Community and Senior Services and Child Support Services.

**Prop A:** CEO, County Counsel, Public Health, Health Services, Internal Services, Public Library, Public Works, Sheriff, and Public Social Services.

During this reporting period each of the subcommittees met to:

- Identify the types and number of contracts they managed;
- Begin standardizing language, terms and conditions;
- Identify best practices, potential template models, and evaluation tools for inclusion in the new centralized system;
- Participate in system demonstrations; and
- Provide "end user" input during the technical design process.

**Note:** In addition to the tasks listed above, the Food Services subcommittee is working on implementing the changes requested by the Board Motion resulting from Item 11 of the October 23, 2012 Board meeting. County Counsel is finalizing the standardized language applicable to all dietary contracts. Draft language will be reviewed by the end of April; final language should be ready to include in all future contracts by the end of May, 2013.



### County Strategic Plan Contracting Task Force

- On February 28, 2013, the Audit Committee approved revisions the task force recommended to Board Policy 5.055 to streamline the contract protest process.

#### Next Steps:

The various project teams will focus on:

- ISD will now develop a timeline to implement the revisions to Board Policy 5.055 and provide a status memo to the Board;
- AC will continue:
  - Preparing the working prototype of the CLS for the CMS Pilot by September, 2013, loading standard approved clauses and building templates for use in the CMS Pilot;
  - Completing the development of the eCAPS CMS component for the CMS Pilot,
  - Conducting demonstrations of the CLS working prototype and CMS pilot application for input in the design and improvements to meet specific business needs, and
  - Planning a rollout approach for additional areas, enhancements based on the results of the CMS Pilot.
- Subcommittees will continue:
  - Vetting contracts, terms and conditions to be used in the pilot system targeted for summer 2013,
  - Will participate in user acceptance testing of the new system as subject matter experts to validate the process.

The next quarterly status update on this project will be provided in June, 2013. If you have any questions or need additional information, please contact Scott Wiles at (213) 893-1246 or [swiles@ceo.lacounty.gov](mailto:swiles@ceo.lacounty.gov).

WTF:SAW:ef

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller  
Children and Family Services  
Community and Senior Services  
Health Services  
Internal Services  
Parks and Recreation  
Probation  
Public Health

# ATTACHMENT III



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

July 16, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

### **QUARTERLY UPDATE ON THE IMPROVEMENTS TO THE COUNTY CONTRACTING PROCESS**

The Chief Executive Office is continuing on a countywide contracting process improvement project. The overall goal is to create a contracting process which incorporates best practices, while at the same time ensuring compliance with laws and County policies. This memo briefly summarizes efforts that occurred on the project during the second quarter of 2013.

#### **Contract Management System (CMS)**

The Auditor-Controller (A-C), in conjunction with the Internal Services Department (ISD) and other County Departments, completed the following items during the reporting period:

- Contract Library System (CLS)
  - Based on the results of the successful Working Prototype, the County negotiated a Work Order with EMC for the Pilot Phase to prepare the Working Prototype of the CLS for use in the CMS Pilot in September. The Work Order incorporates a variety of modifications and enhancement to the Working Prototype based on department user input;
  - The Work Order with EMC for the Pilot Phase was approved by the Board of Supervisors at the May 14, 2013 Board Meeting; and
  - The Pilot Phase kick-off and design validation was held May 28 – 30, 2013, and the first two of eight milestones were completed by June 30, 2013.
- A demonstration of the CLS and CMS was provided to the Operations Cluster Board Deputies in May.
- Contract Management System
  - The design for the reference table interface between the new CMS and the eCAPS Financial System has been completed;

Each Supervisor  
July 16, 2013  
Page 2

- The integration between the CLS and the CMS has been completed to allow seamless access by a department contract analyst to standard Request for Proposal, Statement of Work, Contract, and other solicitation documents; and
- Several design sessions were held to continue the development of the design of the CGI CMS screens for the Pilot Phase.

### **Contracting Policy**

On February 28, 2013, the Audit Committee approved recommended revisions to Board Policy 5.055 which were designed to simplify the contracting process for both the County and its vendors. With the approval, the new policy and processes were implemented in all County solicitations released after March 28, 2013.

### **Next Steps**

During the next reporting period, A-C and ISD will focus on:

- Identifying the departments and participants for the Pilot Phase.
- Completing the milestones for the EMC Pilot Phase Work Order and the CGI CMS in preparation of the Pilot Phase.
- Working with County Counsel to finalize the workflow, standard clauses and standard templates for the Pilot Phase.
- Developing training material and documentation for the Pilot Phase.
- Training the Pilot Phase participants on CLS and CMS.
- Planning the implementation of the Pilot Phase.

Contract Subcommittees will continue:

- Vetting contracts, terms and conditions to be used in the pilot system targeted for Fall 2013;
- To participate in user acceptance testing of the new system as subject matter experts to validate the process.

The next quarterly status update on this project will be provided in September 2013. If you have any questions, please contact Scott Wiles at (213) 893-1246, or at [swiles@ceo.lacounty.gov](mailto:swiles@ceo.lacounty.gov).

WTF:SAW:cg

c:     Executive Office, Board of Supervisors  
       Auditor-Controller  
       County Counsel  
       Internal Services

# ATTACHMENT IV

## Use of "Draft RFP" Survey - Summary of Responses

Agency	Utilize Draft RFP Process?	When is it Used?	Length?	Benefits?	Drawbacks?
City of Dallas, TX	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A
Kansas City, MO	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A
City of Los Angeles, CA	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A
City of San Antonio, TX	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A
City & County of Denver, CO	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A
Alameda County, CA	No. The County of Alameda does not release Draft RFP's except to client departments during the development process.	N/A	N/A	N/A	N/A
Sacramento County, CA	Yes	Typically it is used when there is uncertainty as to whether the market/vendor pool can provide what is wanted/desired/needed, and the County would like to validate that what is being requested is reasonable.	Varies, depends on complexity or project and availability of RFP/spec development team members. It could take a few weeks or many months.	Helps validate the reasonableness of the requirements and helps ensure vendors will respond.	Adds time to the process.
San Diego County, CA	Yes but infrequently	New, large projects	Publish Scope for 3 weeks	Not many	N/A
Maricopa County, AZ	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A

## Use of "Draft RFP" Survey - Summary of Responses

Agency	Utilize Draft RFP Process?	When is it Used?	Length?	Benefits?	Drawbacks?
Miami-Dade County, FL	Yes	Most RFP's	Publish scope/specifications for 2 weeks prior to publishing RFP	Vendor community offers comments, information, etc.	None
Orange County, CA	No. Does not release draft RFPs. Use RFIs to obtain information	N/A	N/A	N/A	N/A
Riverside County, CA	No. Does not release draft RFPs. Use RFIs to obtain information	N/A	N/A	N/A	N/A
San Bernardino County, CA	No, but will conduct pre-bid meetings with a group of vendors for certain highly competitive, previously contentious, or high profile solicitations.	N/A- <i>Additional info:</i> Have found pre-bid conferences to be effective in discussing concerns about potential flaws in the process, particularly specifications that can be perceived as favoring one vendor over another.	N/A- <i>Additional Info:</i> Regarding the pre-solicitation activities, this would generally occur 30-60 days prior to the release of a bid or RFP. As to "pre" activities, public or community input may be engaged for a politically-sensitive project, but may be conducted by a communications, public relations, or public opinion polling firm.	N/A- <i>Additional Info:</i> Generally, subject matter experts in departments are charged with the responsibility of developing RFP content (other than standard contracting and legal language of course), and also with handling high profile matters appropriately – in terms of communication and/or prep work.	N/A
Ventura County, CA	No. Does not release draft RFPs. Use RFIs to obtain information	N/A	N/A	N/A	N/A
Fairfax County, VA	No. Use RFI's to obtain information	N/A	N/A	N/A	N/A

## Use of “Draft RFP” Survey - Summary of Responses

Agency	Utilize Draft RFP Process?	When is it Used?	Length?	Benefits?	Drawbacks?
MTA-Los Angeles County, CA	Yes. We call them Industry Reviews or Stakeholder Reviews.	When it makes sense. When we do not have the expertise, or we want to ensure that there are no fatal faults in our project	Varies on the complexity of the project.	The benefits are that we ensure there is clarity in our project (what we are asking for) it also gives us the opportunity to identify alternatives, if there is something better than what we are asking for or if what we are asking for something that is/isn't available in the community/industry.	The only drawback we have identified is that it increases the timeline of the project.
U.S. Air Force	Yes	Issuing Draft RFP is a standard practice for procuring services that are “reasonably complex”. This process is used to obtain industry feedback earlier in the process so as to ensure that the finalized RFP is as comprehensive as possible. Please note that the US Air Force in most cases would not use this process for less complex solicitations such as procuring for janitorial services.	It depends on the complexity of the RFP, but it usually takes between 60 and 90 days to finalize an RFP from the time a draft RFP is released.	It has been used by the Air Force for at least 25 years—it helps in developing a more complete RFP that has addressed concerns from industry (e.g., requirement too rigid/soft etc.).	None.



## Use of "Draft RFP" Survey - Summary of Responses

Agency	Utilize Draft RFP Process?	When is it Used?	Length?	Benefits?	Drawbacks?
U.S. Coast Guard	Yes	<p>For new projects or more complex projects in order to 1) engage the vendor community as soon as possible 2) mitigate questions during Q&amp;A and, 3) address potential issues earlier in the process (e.g., new industry requirements, identify technical specs that seem to lean toward a certain vendor/brand etc).</p> <p><b>NOTE:</b> The draft RFP process is usually not used for 1) smaller projects (under 150k) where requirements are clearly defined and 2) re-solicitations where the U.S. Coast Guard has clear understanding of the industry and the service(s) being solicited.</p>	It depends on the complexity of the project. For example, an RFP for consultant services may take a few weeks whereas an RFP for building a ship may take several months to finalize.	Has been a very effective tool that is encouraged in certain circumstances.	None.
World Airports	Yes	New projects	Varies – publicly posted for comments	N/A	N/A

# ATTACHMENT V



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL  
PROCUREMENT POLICY

February 2, 2011

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS  
SENIOR PROCUREMENT EXECUTIVES  
CHIEF INFORMATION OFFICERS

FROM: Daniel I. Gordon  
Administrator for Federal Procurement Policy

SUBJECT: "Myth-Busting": Addressing Misconceptions to Improve Communication  
with Industry during the Acquisition Process

With expenditures of over \$500 billion annually on contracts and orders for goods and services, the federal government has an obligation to conduct our procurements in the most effective, responsible, and efficient manner possible. Access to current market information is critical for agency program managers as they define requirements and for contracting officers as they develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms. Our industry partners are often the best source of this information, so productive interactions between federal agencies and our industry partners should be encouraged to ensure that the government clearly understands the marketplace and can award a contract or order for an effective solution at a reasonable price. Early, frequent, and constructive engagement with industry is especially important for complex, high-risk procurements, including (but not limited to) those for large information technology (IT) projects. This is why increasing communication, in the form of a "myth-busters" educational campaign, is one of the key tenets of the Office of Management and Budget's 25 Point Implementation Plan to Reform Federal IT Management.<sup>1</sup>

The Federal Acquisition Regulation (FAR) authorizes a broad range of opportunities for vendor communication<sup>2</sup>, but agencies often do not take full advantage of these existing flexibilities. Some agency officials may be reluctant to engage in these exchanges out of fear of protests or fear of binding the agency in an unauthorized manner; others may be unaware of effective strategies that can help the acquisition workforce and industry make the best use of their time and resources. Similarly, industry may be concerned that talking with an agency may create a conflict of interest that will preclude them from competing on future requirements, or industry may be apprehensive about engaging in meaningful conversations in the presence of other vendors.

---

<sup>1</sup>25 Point Implementation Plan to Reform Federal Information Technology Management available at

<http://cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf>

<sup>2</sup> For example, FAR 10.002(b)(2) authorizes a wide range of techniques for conducting market research, including participation in interactive, online communications with industry.

In light of these challenges, the purposes of this memorandum are to:

- 1) identify common misconceptions about vendor engagement that may be unnecessarily hindering agencies' appropriate use of the existing flexibilities, and provide facts and strategies to help acquisition professionals benefit from industry's knowledge and insight;
- 2) direct agencies to remove unnecessary barriers to reasonable communication and develop vendor communications plans, consistent with existing law and regulation, that promote responsible and constructive exchanges; and
- 3) outline steps for continued engagement with agencies and industry to increase awareness and education.

Nothing in this memorandum should be read to alter, or authorize violations of, applicable ethics rules, procurement integrity requirements, or other statutes or regulations that govern communication and information sharing. However, all methods of communication that are not prohibited, either by those rules or otherwise, should be considered, if they would be helpful.<sup>3</sup> In addition, contracting officers, program managers, and other acquisition officials should continue to exercise appropriate discretion to balance the practical limitations of frequent vendor engagement, including the demand such engagement places on the time of the acquisition workforce, with the need to better understand the market and make decisions in the best interest of the government.

### Top 10 Misconceptions and Facts

The Office of Federal Procurement Policy (OFPP) held a series of outreach sessions with industry representatives, acquisition professionals, agency procurement attorneys, and others to identify and address core misconceptions about communication between the government and industry during the pre-award acquisition process. While these conversations will continue, as discussed later, ten misconceptions were mentioned frequently, and so are addressed by this memorandum. Attachment 1 lists these issues, and provides additional information and strategies to help agencies promote fair and appropriate engagement during various acquisition phases.

### Vendor Communication Plan

Some agencies have developed policies for communicating with industry while others have not, resulting in disparate practices and confusion. To provide better direction to the workforce and to clarify the nature and schedule of engagement opportunities for industry, each agency should develop a high-level vendor communication plan. The plan should discuss how the agency will reduce unnecessary barriers, publicize communication opportunities, and prioritize engagement

---

<sup>3</sup> See FAR Part 1.102(d) stating that if a specific strategy, practice, policy or procedure is in the best interests of the government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive Order or other regulation, then the strategy, practice, policy or procedure is a permissible exercise of authority.

opportunities for high-risk, complex programs or those that fail to attract new vendors during re-competitions. Details on the required elements of this plan are included in Attachment 2.

The 24 Chief Financial Officer (CFO) Act agencies are required to develop a vendor communication plan; to make these plans available to their workforce and the public, as appropriate; and to update them at least annually. These agencies shall submit their draft plans, by June 30, 2011, for review by the Office of Management and Budget. The draft plans will be reviewed by the Administrator for Federal Procurement Policy and the Federal Chief Information Officer (CIO) to ensure that agencies are encouraging more communication, taking advantage of existing authorities, and educating their workforce on communication opportunities. Based on this review, the agencies will finalize their plans and make them available to their workforce and to the public, as appropriate, no later than 30 days after the completion of OMB's review. Small agencies are encouraged to review their existing vendor communication guidance in light of the principles discussed in this memorandum and make appropriate modifications to encourage more communication, or develop guidance if none exists.

#### Increasing Awareness

Throughout 2011, OFPP will work with the Federal Acquisition Institute (FAI), the Defense Acquisition University (DAU), and agency training practitioners to conduct an awareness campaign to eliminate unnecessary barriers to engagement. As agencies work to develop and refine their vendor communications plans, they will be supported by a number of efforts:

#### *Continued Discussion*

Expansion of the conversation between industry and government and the education on both sides must continue in an open, transparent forum. To support this discussion, agencies and industry are invited to join a moderated, online dialogue starting in mid-February to help identify additional misconceptions, concerns, perceived conflicts in policies, and success stories that will help improve communications between government and industry. Additional information on how to participate in this and other discussions will be made available on [www.caoc.gov](http://www.caoc.gov) and [www.cioc.gov](http://www.cioc.gov).

#### *Community of Practice (COP)*

To help agencies increase and improve vendor engagement, OFPP and E-Gov will launch an online COP no later than June 2011 that will provide additional strategies, do's and don'ts for agencies and for vendors, frequently asked questions, agency and industry success stories, case studies, and other tools to improve engagement. Next month, OFPP will convene a working group of federal acquisition professionals to help define the requirements of this site. If you are interested in participating in this working group, please identify your agency's point of contact by February 14 to Mindy Connolly of OFPP at [mconnolly@omb.eop.gov](mailto:mconnolly@omb.eop.gov).

### *Training and Outreach*

FAI will develop a continuous learning module that contracting officers, program managers, procurement attorneys, and others can utilize to develop a better understanding of the types of permissible communication. This is scheduled to be available early in the third quarter of FY 2011 on the FAI website – [www.fai.gov](http://www.fai.gov). Additionally, FAI and OFPP will provide sessions at widely-attended procurement conferences throughout 2011 to increase awareness of the need for more industry engagement. Agencies should provide similar training or outreach efforts, especially to their front line acquisition and program personnel.

### *Acquisition Communication Platform*

In accordance with the 25 Point Implementation Plan to Reform Federal IT Management, the General Services Administration is seeking input from agencies, industry, and other stakeholders on developing a communication platform that would facilitate exchanges for specific planned acquisitions. This platform will allow the government to more easily engage the vendor community during the pre-solicitation stage, and may be further developed to facilitate communication during other stages of the acquisition. Development of the requirements will consider existing platforms and functionality and will be developed in collaboration with the Integrated Acquisition Environment. Additional details will be communicated to the community as they become available.

### Conclusion

While agencies do not have the resources, and are not required, to meet with every vendor at every step of the acquisition process, information gathered from industry sources plays an invaluable role in the acquisition process. For this reason, agencies must develop practices that will ensure early, frequent, and constructive communication during key phases of the process. The federal government's ability to achieve successful program outcomes, effectively and efficiently, depends upon agencies establishing effective strategies for industry engagement and supporting those strategies with senior-level commitment.

Thank you for your commitment to this important matter. Please contact Mindy Connolly on (202) 395-7724 or [mconnolly@omb.eop.gov](mailto:mconnolly@omb.eop.gov) if you have any questions.

### **Attachments**

Attachment 1 –Misconceptions and Facts about Vendor Communication

Attachment 2 - Vendor Communication Plans

cc:

Agency General Counsels and Solicitors  
Agency Ethics Officers

Misconceptions and Facts about Vendor Communication

<b>1.</b>	<p><b>Misconception – “We can’t meet one-on-one with a potential offeror.”</b></p> <hr/> <p><b>Fact – Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.</b></p>
-----------	--

Prior to issuance of the solicitation, government officials – including the program manager, users, or contracting officer – may meet with potential offerors to exchange general information and conduct market research related to an acquisition. In fact, the FAR, in Part 15, encourages exchanges of information with interested parties during the solicitation process, ending with the receipt of proposals. There is no requirement that the meetings include all possible offerors, nor is there a prohibition on one-on-one meetings. Any information that is shared in a meeting that could directly affect proposal preparation must be shared in a timely manner with all potential offerors to avoid providing any offeror with an unfair advantage (FAR 15.201(f)).

The government ethics rules and Competition in Contracting Act, (10 U.S.C. § 2304), prohibit preferential treatment of one vendor over another. Where vendor interaction is expected to include contract terms and conditions, any one-on-one meetings should include, or at least be coordinated with, the contracting officer (FAR 15.201).<sup>4</sup> After the solicitation is issued, the contracting officer shall be the focal point for these exchanges. (Special rules govern communications with offerors after receipt of proposals; that situation is not addressed here.)

Some vendors have expressed concern that involvement in pre-solicitation discussions might lead to exclusion resulting from organizational conflict of interest (OCI) concerns. This should not be the case. While a vendor who, as part of contract performance, drafts the specification for a future procurement will almost certainly be barred by OCI rules from competing for that future procurement, pre-solicitation communications are generally less structured, less binding, and much less problematic. When a vendor, in its role supporting the government, is drafting specifications for a future acquisition, the government is relying on the vendor to provide impartial advice regarding the requirements needed to meet the government’s future needs. Ensuring that the vendor will not be motivated by a desire to win the future contract is the way we try to ensure that this advice will be impartial. This differs dramatically from the pre-solicitation context. In the latter context, the government is not looking for impartial advice from one source, but is instead looking for a variety of options from a variety of sources, each one understandably, and reasonably, attempting to demonstrate the value of its own approach. These marketing efforts, in themselves, do not raise OCI concerns.

<sup>4</sup> Under sealed bidding procedures, in accordance with FAR Part 14, only the contracting officer, superior, or other authorized individual can transmit this information.

2.	<p><b>Misconception – “Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyists must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings.”</b></p> <p><b>Fact – Disclosure is required only in certain circumstances, such as for meetings with registered lobbyists. Many contractors do not fall into this category, and even when disclosure is required, it is normally a minimal burden that should not prevent a useful meeting from taking place.</b></p>
----	---

Disclosure is an important tool that ensures public trust in our contracting process, but it should not be an impediment to meeting with contractors and is not required in every circumstance. In the case of meetings where registered lobbyists are employed, contractors are required to track the costs and activities of their lobbying activities, as required by FAR Part 31, but that obligation places the disclosure burden on the contractor and does not require the government to take any steps. In this “standard” case, additional communication with contractors will not involve an additional disclosure burden, though conduct of all communications should be consistent with the principles of fairness and accountability. Moreover, this rule only applies in those circumstances where a contractor or one or more of its employees are registered lobbyists, which will not be the case in every meeting.

There have been additional requirements for disclosure regarding spending under the American Recovery and Reinvestment Act (ARRA). Government officials are required by the March 2009 Presidential memorandum on “Ensuring Responsible Spending of Recovery Act Funds”<sup>5</sup> to disclose discussions with registered lobbyists related to ARRA procurements. Any ARRA procurement that was conducted with involvement from registered lobbyists does carry this additional disclosure requirement (only a small number of all procurements during this period were obligated using funding from ARRA).

Another source of concern might be the additional ethical commitments required of political appointees by Executive Order 13490, “Ethics Commitments by Executive Branch Personnel.” While the ethics pledge required by this Executive Order does extend and strengthen certain limitations on actions by government personnel, most notably with respect to pre- and post-employment restrictions, the pledge does not create general barriers to meeting with industry to discuss procurements. The pledge prohibits some contact with former clients and former employers for two years, which might create a specific limitation in some circumstances, but it does not establish a general prohibition on meeting with registered lobbyists, even in one-on-one circumstances.

Finally, even in the special situations where disclosure is required, that should not be a reason for avoiding communication in situations where the communication will improve the procurement and provide better value to the taxpayer.

<sup>5</sup> Available at [http://www.whitehouse.gov/the\\_press\\_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-20-09/](http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-20-09/).



<b>3.</b>	<b>Misconception – “A protest is something to be avoided at all costs - even if it means the government limits conversations with industry.”</b>
	<b>Fact – Restricting communication won’t prevent a protest, and limiting communication might actually increase the chance of a protest – in addition to depriving the government of potentially useful information.</b>

Protests are, in fact, quite rare. At least 99 percent of procurements are never protested, although high dollar procurements, of course, are more likely to be protested. The overriding goal of the agency and its program managers, contracting officers, and attorneys should be the best procurement solution, and industry engagement can improve the supplies or services received or can reduce the price paid by the government. If contracting officers conduct responsible, meaningful, and constructive communications during the course of a procurement, issues that could give rise to a bid protest are likely eliminated. Trying to make a procurement ‘protest-proof’ is rarely a good use of agency resources, and it may lead to decisions that aren’t in the interest of the government. Moreover, restricting communication for fear of protests may actually increase the likelihood of a protest – for example, by a vendor that hopes to get more information through ‘discovery’ during the protest.

<b>4.</b>	<b>Misconception – “Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule.”</b>
	<b>Fact – Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counter-productive, and may cause delays and other problems during contract performance.</b>

Although the government often states it intends to award without discussions/negotiations, the clause at FAR 52.215-1<sup>6</sup> reserves the government’s option to conduct discussions and it is usually a good practice to retain that option.

While discussions may add time to the acquisition schedule, the contracting officer should make a thoughtful decision as to whether to conduct discussions and, if so, what the scope and extent of discussions required should be. Schedule pressures should generally not be the primary, or even a strong, driver in the contracting officer’s decision on whether or not to hold discussions. One consideration the contracting officer should take into account is that conducting robust pre-solicitation communications with industry may actually minimize the need for discussions and result in a better technical solution and improved contract performance. Other considerations include the complexity of the procurement, and the history of change orders on previous or related contracts that were due to lack of a clear understanding of the requirements and contract terms and conditions by the parties. In situations where discussions are not held, post-award contract

<sup>6</sup> When preparing solicitations, contracting officers should carefully evaluate whether to include the clause at 52.215-1 or its Alternate 1.

modifications that increase the government's costs are often required. These costly changes are negotiated after the government has lost the benefits of a competitive environment.

When discussions are considered helpful to obtaining the best outcome in a procurement, the schedule should be developed accordingly. Contracting officers should be empowered by their management to make these judgment calls on a case-by-case basis and should have the full support of their customers.

<b>5.</b>	<b>Misconception – “If the government meets with vendors, that may cause them to submit an unsolicited proposal and that will delay the procurement process.”</b>
	<b>Fact – Submission of an unsolicited proposal should not affect the schedule. Generally, the unsolicited proposal process is separate from the process for a known agency requirement that can be acquired using competitive methods.</b>

All acquisition officials should be familiar with FAR Subpart 15.6 and their agency's procedures for receiving and evaluating an unsolicited proposal. Receipt of unsolicited proposals should not cause delay in an acquisition.

<b>6.</b>	<b>Misconception – “When the government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required so it shouldn't be done.”</b>
	<b>Fact – Providing feedback is important, both for offerors and the government, so agencies should generally provide feedback whenever possible.</b>

Although debriefings are not required when using the Federal Supply Schedules (FSS) under FAR Part 8.4 procedures, even in those situations, agencies are instructed to “provide a brief explanation of the basis for the award decision” where the award was based upon factors other than price (FAR 8.405-2(d)). Agencies that order from FSS contracts regularly are missing an important feedback opportunity if they do not take time to explain to FSS offerors how to improve their offers in the future. For newer contracting officers, the less structured explanation required for FSS offerors can be a valuable learning opportunity to prepare for structured debriefings. In both FSS and FAR Part 15 procurements, agencies are encouraged to provide the maximum amount of relevant information to offerors, rather than focusing on sharing only the minimum that is legally required.

7.	<b>Misconception – “Industry days and similar events attended by multiple vendors are of low value to industry and the government because industry won’t provide useful information in front of competitors, and the government doesn’t release new information.”</b>
	<b>Fact – Well-organized industry days, as well as pre-solicitation and pre-proposal conferences, are valuable opportunities for the government and for potential vendors – both prime contractors and subcontractors, many of whom are small businesses.</b>

Industry days, as well as pre-solicitation and pre-proposal conferences, directly benefit the government by promoting a common understanding of the procurement requirements, the solicitation terms and conditions, and the evaluation criteria. These events also benefit industry – especially small businesses – by providing prime contractors and subcontractors an opportunity to meet and develop relationships or teaming agreements that benefit contract performance. However, the value of these events derives from the government providing the maximum information to potential offerors on its requirements, answering questions, and improving the solicitation based on feedback from the potential offerors. In that way, the requirements can be made as clear as possible to assist potential offerors in providing the best solution to the government.

*Strategy - where appropriate, use interactive web-based technology to expand the reach of the exchange, such as a live webinar with streaming video to immediately address questions from stakeholders. Consider combining this with immediate one-on-one meetings with vendors to make these engagements more useful, especially for large, complex requirements.*

8.	<b>Misconception – “The program manager already talked to industry to develop the technical requirements, so the contracting officer doesn’t need to do anything else before issuing the RFP.”</b>
	<b>Fact – The technical requirements are only part of the acquisition; getting feedback on terms and conditions, pricing structure, performance metrics, evaluation criteria, and contract administration matters will improve the award and implementation process.</b>

Issuing a high quality solicitation requires engaging with industry on issues that go beyond the government’s technical requirements. In order to appropriately price proposals and reduce the number of potential change orders, industry needs information about any unique terms and conditions, small business set-aside requirements, subcontracting goals, and other matters about which the contracting officer is the expert. Although industry may have had their best technical representatives engaged with the program manager, the contracting officer should communicate to vendors as much information as possible about the government’s needs as early as possible. As a result of early communication, the contracting officer may learn some things that suggest that an

approach somewhat different than planned may cause increased competition, more small business participation, lower prices, or even a better definition of the government's technical requirements.

*Strategy – Issue an RFI to make sure the government not only understands the capabilities of industry, but can develop or improve its acquisition strategy regarding contract type, performance requirements, performance work statements/statements of work, and performance metrics. Release a draft request for proposal, including sections L and M, to be sure the solicitation instructions are clear.*

<b>9.</b>	<b>Misconception – “Giving industry only a few days to respond to an RFP is OK since the government has been talking to industry about this procurement for over a year.”</b>
	<b>Fact – Providing only short response times may result in the government receiving fewer proposals and the ones received may not be as well-developed - which can lead to a flawed contract. This approach signals that the government isn't really interested in competition.</b>

While the FAR does contain some requirements on the length of time between issuance of solicitations and proposal due dates, often task and delivery orders do not have these requirements. Contracting officers should consider that allowing offerors additional time to prepare their proposals will likely yield better proposals, streamlined evaluations, and a reduction in the need for (or scope of) discussions. While the workforce is stretched thin and requirements often arise unexpectedly, shortcutting the proposal development process often results in fewer proposals, and/or proposals that are more difficult to evaluate. This situation can lead to expensive outcomes. Providing adequate time for vendor communication throughout the procurement process – including adequate time for proposals – indicates that the government is interested in obtaining the best outcomes. Contracting officers should have the full support of their customers in determining the right amount of time for receipt of proposals.

<b>10.</b>	<b>Misconception – “Getting broad participation by many different vendors is too difficult; we're better off dealing with the established companies we know.”</b>
	<b>Fact – The government loses when we limit ourselves to the companies we already work with. Instead, we need to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.</b>

FAR Section 10.002 expressly allows for participation in interactive, online communications among industry, acquisition personnel, and customers. While agencies should ensure that these tools can be used securely and appropriately, their use should be encouraged to the maximum extent practicable. In accordance with OMB's 25 Point Implementation Plan to Reform

Federal IT Management, GSA and OMB will be developing an acquisition communications platform for launch in June 2011 that will increase collaboration on RFIs and draft RFPs, improve communication during question and answer periods, and otherwise support better engagement. Agencies may also have similar tools, and their use should be encouraged.

*Strategy – Use the procurement forecast to generate interest and publicize those opportunities available to small businesses. Ensure that the points of contact on the forecast are aware of the content and timing of the release of the document so they can address any inquiries, consider holding an outreach session or webinar to announce the release or update, and don't bundle or overpromise requirements. Hold industry days, public meetings, or small business conferences, and consider hosting multiple outreach sessions for large or complex requirements.*

### Vendor Communication Plans

Agencies should provide clear, consistent direction to their workforce and industry partners about how to engage with industry prior to the award of contracts and task and delivery orders under the Federal Supply Schedule, government-wide acquisition contracts, and other indefinite delivery/indefinite quantity contracts.

To ensure this, agencies shall develop high-level plans that include the core elements listed below. These plans should be general in nature and can build on existing guidance. OFPP will work with the agencies in the development of the community of practice discussed earlier to identify best practices, training opportunities, samples of guidance, and other information that may be helpful in developing these communication plans.

- 1) Statement of agency commitment to:
  - a) Communicate early, frequently, and constructively with industry;
  - b) Include small businesses and subgroups of small businesses in communications with industry;
  - c) Include vendors that the agency has not worked with in the past;
  - d) Identify, in the agency's published procurement forecast, which procurements are likely to involve opportunity for additional communication with industry; and
  - e) Protect non-public information including vendors' confidential information and the agency's source selection information.
- 2) Identification of senior agency and bureau (if applicable) official responsible for promoting vendor engagement;
- 3) Brief description of efforts undertaken or planned to reduce barriers and promote engagement;
- 4) Criteria for identifying which acquisitions must include vendor input in the pre-award phase and the extent of the required engagement as a condition of approval by the agency's investment review board (or similar body). At a minimum, acquisition plans for high-risk, large-dollar, and complex programs, such as those for major IT systems and for re-competitions that need to attract new entrants to ensure adequate competition, should include a comprehensive vendor engagement strategy that:
  - includes at least one industry day or a pre-solicitation or pre-proposal conference; and
  - allows for a reasonable amount of one-on-one engagement; and
  - allows time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or
  - requires a written justification as to why those steps are unnecessary.

- 5) Publication of engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. These shall be posted and updated regularly using the existing “special notices” function on [www.fedbizopps.gov](http://www.fedbizopps.gov) and on other sites as identified by the agency.<sup>7</sup>
- 6) Brief description of roles and responsibilities of the –
  - a) Contracting Officer
  - b) Program Manager
  - c) COR/COTR
  - d) General Counsel
  - e) Ethics Officers
  - f) OSDBU
  - g) Other Officials<sup>8</sup>
- 7) Training and awareness efforts for employees and contractors;
- 8) Links to existing policies; and
- 9) Plans to follow-up with employees and industry representatives within 6 months of posting the vendor engagement plan, to further refine and improve communication, (e.g., post-award surveys of the contracting officers, program managers, and offerors for large, complex procurements, focus group meetings for general feedback).

---

<sup>7</sup> Instructions for posting such events on [www.fedbizopps.gov](http://www.fedbizopps.gov) will be provided to agency points of contact for vendor communication as needed.

<sup>8</sup> Such as those identified in the procurement forecast.